

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

ALICE MONROE,

No. C 12-03840 LB

Plaintiff,

**ORDER TO SHOW CAUSE RE:
FAILURE TO PROSECUTE**

v.

ORCHARD SUPPLY HARDWARE, *et al.*,

Defendants.

On February 10, 2012, Plaintiff Alice Monroe filed a complaint in Alameda County Superior Court against Defendants Orchard Supply Hardware, Jeff Caminata, and Bruce Williams. *See* Smith Decl. Supp. Notice of Removal Ex. B, ECF No. 3 at 7¹. Defendants Orchard Hardware Supply LLC and Bruce Williams removed the case to this court on July 23, 2012. *See* Notice of Removal, ECF No. 1. Under Federal Rule of Civil Procedure 4(m), a plaintiff normally has 120 days after filing the complaint to serve the complaint and summons on a defendant. Fed. R. Civ. P. 4(m). Whether measured from February 10 or July 23, the 120-day period has now expired. Fed. R. Civ. P. 4(m), 6(a)(1)(C). To date, Plaintiff has filed no proof that Defendant Jeff Caminata has been served. *See generally* Docket.

Accordingly, the court ORDERS Monroe to SHOW CAUSE why her claims against Jeff Caminata should not be dismissed for failure to prosecute. Monroe must file a written response to

¹ Citations are to the Electronic Case File (“ECF”) with pin cites to the electronically-generated page numbers at the top of the document.

1 this order to show cause by Monday December 3, 2012. If Monroe's written response does not
2 provide proof of timely service (or show good cause for failure to do so), the court will dismiss
3 Plaintiff's claims against Caminata.

4 If Monroe demonstrates good cause for failure to serve Caminata, the court may continue the
5 case management conference currently scheduled for Thursday, December 6, 2012. If the case
6 management conference is not rescheduled, Defendants' counsel may appear by telephone through
7 CourtCall.

8 **IT IS SO ORDERED.**

9 Dated: November 30, 2012



LAUREL BEELER
United States Magistrate Judge